

(Caption of Case)

Application of NexUSTel, LLC for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services to and from all Points throughout the State of South Carolina, and for Alternative Regulation

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2008 - - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

Address: Ellis, Lawhorne & Sims, PA
PO Box 2285
Columbia SC 29202

SC Bar Number: 11208

Telephone: 803-343-1270

Fax: 803-799-8479

Other:

Email: jpringle@ellislawhorne.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

ELLIS:LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

July 7, 2008

FILED ELECTRONICALLY

The Honorable Charles L.A. Terreni
Chief Clerk
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

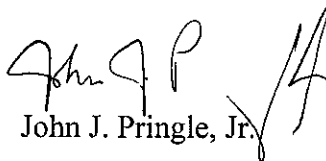
RE: Application of NexUSTel, LLC for a Certificate of Public Convenience
and Necessity to Provide Resold Interexchange Telecommunications
Services to and from all Points throughout the State of South Carolina, and
for Alternative Regulation
Docket No. 2008-____-C, Our File No. 1645-11594

Dear Mr. Terreni:

Enclosed is the original and one (1) copy of the **Motion for Protective
Treatment** filed on behalf of NexUSTel, LLC in the above-referenced matter.

If you have any questions or need additional information, please do not hesitate to
contact me.

Very truly yours,


John J. Pringle, Jr.

JJP/cr
Enclosure (as stated)

cc: Office of Regulatory Staff Legal Department (via electronic mail service)
Jorge Asceio, NexUSTel, LLC (via electronic mail service)
Danielle Burt, Esquire (via electronic mail service)

**BEFORE THE
PUBLIC SERVICE COMMISSION
SOUTH CAROLINA
DOCKET NO. 2008-____ -C**

IN RE:)	
)	
Application of NexUSTel LLC)	MOTION FOR PROTECTIVE
To Provide Resold Interexchange)	TREATMENT AND
Telecommunications Services)	BASIS FOR FILING EXHIBIT 4
Throughout the State of South Carolina)	AS TRADE SECRET
)	

NexUSTel, LLC ("Applicant"), by counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and S.C. Code Ann. Regs. 103-804(S)(2), hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission") of certain commercially-sensitive financial information attached as Exhibit 4, filed as Trade Secret to its Application for Authority to Provide Resold Interexchange Telecommunications Services. Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, Applicant provides the following:

1. The legal name, address, telephone and fax numbers of the Applicant are:

NexUSTel, LLC
9700 S. Dixie Highway, Suite 550
Miami, Florida 33156
Telephone: (786) 220-3720
Facsimile: (585) 720-1790

2. All correspondence, notices, inquiries, and other communications regarding this

Motion should be addressed to:

John J. Pringle, Jr.
Ellis, Lawhorne & Sims, P.A.

1501 Main Street, 5th Floor
Columbia, South Carolina 29202-2285
Telephone: (803) 343-1270 (Tel)
Facsimile: (803) 799-8479 (Fax)
jpringle@ellislawhorne.com

and:

Andrew D. Lipman
Danielle C. Burt
Bingham McCutchen LLP
2020 K Street, NW
Washington, D.C. 20006
Telephone: (202) 373-6000
Facsimile: (202) 373-6001
danielle.burt@bingham.com

I. Description of Confidential Information

The Application requires Applicant to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, Applicant is submitting a copy of a current balance sheet and a statement of profit and loss. This information contains highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Applicant's competitive position in South Carolina and in other states where Applicant is currently doing business.

II. Grounds for Claim of Confidentiality

The financial information submitted by Applicant in Exhibit 4 of its Applicant fits squarely within the definition of a "trade secret" under the South Carolina Trade Secrets Act.¹ As a privately-held company, Applicant's financial qualifications are not readily ascertainable. Applicant currently has no legal obligation to prepare or submit projected financial statements, or

¹ A "trade secret" is defined in S.C. Code 39-8-20(5)(a) as information that "(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public...and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for the Applicant because the disclosure of such information would harm its ability to compete in the provision of advanced telecommunications services in South Carolina. Applicant is not a public entity and its financial and business information is uniquely sensitive.

Applicant takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Applicant takes reasonable steps to guard this information internally as well. Its disclosure is limited to Applicant's senior officers, its counsel and employee of the company who are directly involved with its financial operation. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential" and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

Applicant clarifies that its request for protection applies only to the financial information contained in Exhibit 4 to the Application. Applicant is not seek protection of any type by means of this Motion for those reports it will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, or the Universal Service Fund Worksheet.

III. Conclusion

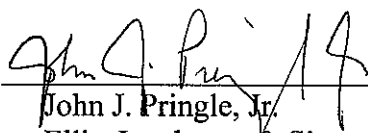
The financial information included in support of the Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. Applicant would suffer substantial direct harm if such information is made publicly available. The harm that would result from public disclosure of Applicant's financial information is real and not speculative.

Moreover, to date, no other jurisdiction has required Applicant to make its financial information publicly available. For the foregoing reasons, the financial information included in Exhibit 4 should be protected from public disclosure by the Commission.

WHEREFORE, Applicant request fully requests that the information contained in Exhibit 4 of its Application for a Certificate of Public Convenience and Necessity be ruled exempt from public disclosure and provided confidential treatment in accordance with S.C. Code Ann. § 39-8-10, *et seq.*

Respectfully submitted,

NEXUSTEL, LLC

By: 
John J. Pringle, Jr.
Ellis, Lawhorne & Sims, P.A.
1501 Main Street, 5th Floor
Columbia, SC 29202
Telephone: (803) 343-1270

Andrew D. Lipman
Danielle C. Burt
Bingham McCutchen LLP
2020 K Street, NW
Washington, D.C. 20006
Telephone: (202) 373-6000

Dated: July 4, 2008